

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Cause No. 1:13-cr-0053-JMS-TAB-1
)	
ANTHONY D. COLEMAN,)	
)	
Defendant.)	

REPORT AND RECOMMENDATION

On June 24, 2014, the Court held a hearing on the Petition for Warrant or Summons for Offender Under Supervision filed on April 18, 2014. Defendant Anthony D. Coleman appeared in person with his appointed counsel, Mike Donahoe. The government appeared by Gayle Helart, Assistant United States Attorney. U. S. Parole and Probation appeared by Officer Jason Phillips.

The Court conducted the following procedures in accordance with Fed. R. Crim. P. 32.1(a)(1) and 18 U.S.C. § 3583:

1. The Court advised Defendant of his rights and provided him with a copy of the petition. Defendant waived his right to a preliminary hearing.
2. After being placed under oath, Defendant admitted the violations. [Docket No. 12.]
3. The allegations to which Defendant admitted, as fully set forth in the petition, are:

**Violation
Number**

Nature of Noncompliance

1 **“The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician.”**

2 **“The defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered.”**

3 **“The defendant shall refrain from any unlawful use of a controlled substance.”**

As previously reported to the Court, on March 7, 19, 21, April 30, May 6, and June 14, 2013, Mr. Coleman tested positive for cocaine. He admitted using cocaine on each occasion, except for April 30, 2013. That sample was forwarded to Alere Laboratory and confirmed positive for Benzoylcegonine (cocaine metabolite).

On March 18, 20, 23, and April 15, 2014, the offender tested positive for cocaine. He admitted using the substance on two separate occasions.

4 **“The defendant shall participate in a substance abuse treatment program at the direction of the probation officer, which may include no more than eight drug tests per month. The defendant shall abstain from the use of all intoxicants, including alcohol, while participating in a substance abuse treatment program. The defendant is responsible for paying a portion of the fees of substance abuse testing and/or treatment.”**

On January 1, March 5, April 22, June 5, 23, November 21, 2013, February 23, March 15, 19, and 27, 2014, Mr. Coleman failed to report for random urine testing.

On October 7, November 21, 2013, January 13, March 10, and April 4, 2014, the offender failed to report for drug treatment classes.

4. The parties stipulated that:

- (a) The highest grade of violation is a Grade B violation.
- (b) Defendant’s criminal history category is VI.


- (c) The range of imprisonment applicable upon revocation of Defendant's supervised release, therefore, is 21-27 months' imprisonment.

5. The parties jointly recommended a modification of conditions of supervised release of 15 days in-patient treatment at the Salvation Army Harbour Lights Facility. Upon release from the Salvation Army Harbour Lights Facility, Defendant is to report to the Volunteers of America for up to a period of 120 days. All other conditions of supervised release are to remain the same.

The Magistrate Judge, having considered the factors in 18 U.S.C. § 3553(a), and as more fully set forth on the record, finds that the Defendant violated the conditions in the petition, that his supervised release should be modified, and that he should be placed at the Salvation Army Harbour Lights Facility for in-patient treatment of 15 days. Upon release from the Salvation Army Harbour Lights Facility, Defendant is to report to the Volunteers of America for up to a period of 120 days. All other conditions of supervised release are to remain the same. The Defendant is to be released pending the District Judge's action on this Report and Recommendation.

The parties waived the fourteen-day period to object to the Report and Recommendation.

Dated: 06/26/2014



Tim A. Baker
United States Magistrate Judge
Southern District of Indiana

Distribution to counsel of record via electronic notification.

USPO